

REMARKS

By this amendment, claims 3 and 10 have been cancelled, and claims 1 and 4 have been amended. Thus, claims 1, 2, 4-9 and 11-21 are now active in the application. Reexamination and reconsideration of the application are respectfully requested.

On pages 2-5 of the Office Action, claims 1-4, 6-8, 12-18, 20 and 21 were rejected under 35 U.S.C. 102(b) as being anticipated by Owe et al. (EP 0342625); and claims 5, 9-11 and 19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Owe et al. in view of Berding (U.S. 5,936,803). These rejections are respectfully traversed and are believed clearly inapplicable to the claims as now presented, for the following reasons.

Initially, it is noted that claim 1 has been amended to incorporate therein the limitations of the now-cancelled claim 3.

With exemplary reference to the drawing figures, claim 1 sets forth a head supporting assembly comprising: a head for performing at least one of recording and reproduction on a disk 15 provided in a disk plane; a head supporting member made up of the head, a head mount (e.g. 1) with the head mounted thereon, and a supporting arm 3 with the head mount (e.g. 1) attached to a first end thereof; a base arm 6 having a rotation-supporting portion 7 for supporting the head supporting member for rotation in a direction toward and away from the disk plane; and a resilient member 5 having a first end thereof (right hand end in Fig. 2) connected with a second end of the supporting arm 3 at a connected portion 14, and a second end thereof (left end in Fig. 2) fixed to the base arm 6 at a fixed portion 13 for urging the head supporting assembly toward the disk 15; wherein the rotation-supporting portion 7 comprises a plurality of pivots 7 provided at a first end of the base arm 6; wherein the supporting arm 3 and the base arm 6 are separate members; wherein the second end (left end in Fig. 2) of the resilient member 5 is fixed to the first end of the base arm 6; wherein the rotation-supporting portion 7 of the base arm 6 is provided at such a position that the head mount (e.g. 1) is allowed to be displaced relative thereto by pressing the rotation-supporting portion 7 in a pressing direction; wherein the resilient member 5 is a plate spring; and wherein the resilient member 5 has length L1 from the connected portion 14 to the

fixed portion 13, the length L1 satisfying a relationship $L2/L1 \geq 0.5$, where L2 is a length from the rotation-supporting portion 7 to the connected portion 14 (see Fig. 4B).

Initially, regarding the base rejection as presented on pages 2-4 of the Office Action, in this rejection, the Examiner stated that element 11 of Owe et al. constitutes the claimed "supporting arm"; that element 15 of Owe et al. constitutes the claimed "base arm"; that **element 21** of Owe et al. constitutes the claimed "resilient member"; that **element 17b** of Owe et al. constitutes the claimed "connected portion" (at which the first end of the resilient member is connected with the second end of the supporting arm); that the screws 16 of Owe et al. constitute the claimed "fixed portion"; and that the **elements 22** of Owe et al. constitute the claimed "pivots." This manner of interpreting the Owe et al. patent to attempt to have the claims read on the Owe et al. reference does not make sense because, for example, the elements 21 and 22 of Owe et al. are shown only in Figs. 5-7 which illustrate the second embodiment, whereas element 17b of Owe is only shown in Figs. 1-4 which illustrate the first embodiment.

Accordingly, in view of this confusing statement by the Examiner of the manner in which the Owe et al. reference allegedly reads on the present claim language, Applicants' undersigned attorney contacted Examiner Blouin by telephone and explained the confusion. The Examiner kindly studied the rejection and the references and contacted Applicants' undersigned attorney by telephone to explain that he had intended for the element 11 of Owe et al. to constitute the claimed "supporting arm", the element 15 of Owe et al. to constitute the claimed "base arm", the element 21 of Owe et al. to constitute the claimed "resilient member", the element 22a of Owe et al. to constitute the claimed "connected portion", the screws 16 of Owe et al. to constitute the claimed "fixed portion", and the elements 22 of Owe et al. to constitute the claimed "pivots." Applicants' attorney wishes to thank the Examiner for this clarification of his intended interpretation of the Owe et al. patent with respect to the claim language.

This intended rejection (as explained by the Examiner by telephone) is respectfully traversed. Specifically, as noted, the Examiner is referring to the elements 22 of Owe et al. as the claimed "pivots" and the element 21 of Owe et al. as the claimed "resilient member." However,

claim 1 of the present application specifies "a base arm **having** a rotation-supporting portion ..." and "wherein said rotation-supporting portion comprises a plurality of pivots provided at a first end of said base arm." Accordingly, claim 1 specifies that the "pivots" **are part of** the "base arm" and are provided at a first end of the base arm. However, in accordance with this interpretation by the Examiner, the base arm of Owe et al. is element 15, which does not include the element 21 or the element 22 (i.e. the claimed "pivots") of Owe et al.

Additionally, with reference to the claim language now incorporated into claim 1 from now-cancelled claim 3, it is noted that this language requires the present invention to satisfy a relationship $L2/L1 \geq 0.5$, where $L1$ is a length from the connected portion to the fixed portion, and $L2$ is a length from the rotation-supporting portion to the connected portion. According to the Examiner's interpretation of the Owe et al. reference as indicated by telephone, the element 22a of Owe et al. constitutes the claimed "connected portion", and the element 22 constitutes the claimed rotation-supporting portion comprising the claimed "pivots." As such, the Examiner is defining the distance $L2$ in the Owe et al. reference to be the length from the rotation supporting portion (pivots) 22 to the connected portion 22a (see Figs. 5-7). As indicated in the Owe et al. description at column 9, lines 38-49, the element 22a of Owe et al. constitutes the "fulcrum edge" of the projecting portion 22. As such, elements 22 and 22a are coextensive and the length therebetween is zero. With the length $L2$ being zero, the relationship $L2/L1$ in the Owe et al. reference equals zero, which is not greater than or equal to 0.5 as required by the language of previous claim 3 now incorporated into claim 1.

Accordingly, for the above reasons, it is respectfully submitted that the rejection applied against claim 1 (as indicated by telephone by the Examiner) is incorrect, and further, that the rejection as applied against claim 3 (the subject matter of which has now been added into claim 1) is also incorrect. It is thus respectfully requested that the rejection be withdrawn.

Furthermore, the rejection as presented in writing in the Office Action is also submitted to be clearly incorrect, because the rejection asserts that the Owe et al. reference anticipates the claims, whereas the Examiner had referred to elements in two different embodiments of the Owe

et al. reference as allegedly corresponding to the claimed elements. Since the Owe et al. reference does not disclose that the elements from the two embodiments (i.e. the embodiments of Figs. 1 and 5) are used together in a single combination or, in fact, could even possibly be used together in a single combination, the anticipation rejection is clearly incorrect and should be withdrawn.

Next, with respect to independent claim 14, it is noted that claim 14 specifies that "said supporting arm is interconnected with said base arm **only** by said resilient member." In the embodiments of Figs. 5-7 of the Owe et al. reference, the supporting arm 11 is interconnected to the base arm 15, 21 by the screws 16 with the resilient arm 27 actually being located on the side of the supporting arm 11 opposite the side on which the base arm 15, 21 is disposed. As such, it is submitted that the Owe et al. reference clearly does not meet the requirement of claim 14 that "said supporting arm is interconnected with said base arm **only** by said resilient member."

With reference next to the dependent claims 13 and 16, it is noted that these dependent claims were also included in the anticipation rejection based on the Owe et al. reference. Claims 13 and 16 specify that "said fixed portion is located between said connected portion and said head." In item 6 on page 3 of the Office Action, the Examiner stated that Owe et al. shows the fixed portion being located between the connected portion and the head and, in this regard, the Examiner refers to "(Fig. 6)". With reference to Fig. 6, however, the fixed portion (which the Examiner referred to as being the location of the screws 16) is not located between the head (at 13) and the connected portion (which the Examiner referred to as being element 22a).


As such, it is believed apparent that the rejection as applied to each of claims 13, 14 and 16, as well as claims 15 and 17-21 which depend from claim 14, is incorrect and should be withdrawn.

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is clearly in condition for allowance. An early notice thereof is earnestly solicited.

If, after reviewing this Amendment, the Examiner feels there are any issues remaining which must be resolved before the application can be passed to issue, it is respectfully requested that the Examiner contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

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